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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MB/sp/2451rotu		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/EP 03/08302	International filing date (day/month/year) 28.07.2003	Priority date (day/month/year) 30.07.2002
International Patent Classification (IPC) or both national classification and IPC F41C23/14		
Applicant ROTUNDO, Fioravante		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 25.02.2004		Date of completion of this report 27.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Ziegler, H-J Telephone No. +49 89 2399-2894 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/08302**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-6 received on 28.07.2004 with letter of 26.07.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application; the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7
	No: Claims	1,8
Inventive step (IS)	Yes: Claims	2-5
	No: Claims	6,7
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/08302

Re Item I

Basis of the report

Amendments (claims 1-6) filed on 28.07.2004 with letter of 26.07.2004 are considered as going beyond the disclosure as filed.

Amended claim 1 includes the feature that the element 2 can be rotated on a vertical plane.

However, there is no basis in the application as filed, since a rotation is only disclosed in the horizontal plane. As for vertical adjustment (p.5, l. 10), no rotation is mentioned. Also in figure 3 only horizontal rotation is disclosed.

Therefore, the originally filed claims form the basis for this report.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The document D1 CH96004 (fig. 1) discloses a stock for a rifle that is formed by at least two elements shaped in such a way, that element 1 (1,2) is not in direct contact with the shoulder of the shooter, and element 2 (5,6) is not integral with the breechblock of the rifle.

By means of a screw arrangement (5) the alignment is modified, both in a vertical and horizontal direction, between the end of the stock in contact with the shoulder of the shooter and the breech block, and thus the barrel(s).

Therefore the features of claims 1 and 8 are known from D1. The subject matter of these claims is therefore not novel (Art. 33(2) PCT).

D1 is silent about the connection of the butt plate 21.

US5970642 shows a butt plate connection with a bajonnet connection and several spacer plates included in the butt plate.

In order to provide a stock of additionally variable length a skilled person would obviously combine D1 with the above document.

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Hence the subject matter of claims 6 and 7 is lacking an inventive step in the sense of Art. 33(3) PCT.

The problem of the present invention is to increase the comfort for the shooter.

The solution to this problem according to claim 2 is not known from the prior art.

In FR2791767 which appears to represent the closest prior art, the element 1, which is integral with the breech block, and element 2 resting on the shoulder, are joined in a different way.

By the connection of the stock parts according to claim 2, a certain shock absorption is provided.

There is no suggestion in the prior art, which renders the subject matter of claim 2 obvious. Hence, the subject matter of claim 2 can be considered as involving an inventive step (Article 33(3) PCT). The same is true for the dependent claims 3-5.

The invention is industrially applicable.

DT12 PCT/PTO 30 DEC 2004

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NEW SET OF CLAIMS:

1. Stock for rifle that it is formed by at least two elements shaped in such a way that element 1 is not in direct contact with the shoulder of the shooter, and element 2 is not integral with the breechblock of the rifle, characterised in that said element 1 can rotate according to element 2 on a horizontal (and a vertical) plane.

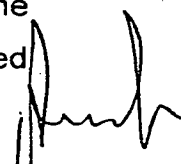
2. Stock for rifle, according to claim 1, characterised in that it is composed of an element 1 integral with the breechblock of the rifle 3, an element 2 which rests on the shoulder of the shooter, joined by at least two sufficiently rigid pins 8 attached by one end to plates 9 embedded in either element 1 or 2 of the stock, and attached by the other end by means of screws 12 to one of the plates embedded in either element 2 or 1 of the stock itself.

3. Stock for rifle, according to claim 2, characterised in that the elements 1 and 2 can be adjusted in a vertical direction through regulation of the height of the pins 8 by actuating the screws 12.

4. Stock for rifle, according to claim 2, characterised in that adjustment in a vertical direction of elements 1 and 2 can take place by inserting shims between the two elements.

5. Stock for rifle, according to claim 2, characterised in that the elements 1 and 2 can be adjusted in a horizontal direction by moving the hooking of the pins 8 with regulation of the plates 9 by actuating the screws 10.

6. Stock for rifle, according to claim 1, characterised in that, by means of appropriate regulations, the alignment between the end 5 of the stock in contact with the shoulder of the shooter and the breechblock 3, and therefore the barrels of the rifle, can be modified

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according to the reciprocal translation and rotation of elements 1 and 2 on a horizontal plane (and vertical plane.)

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